

Notice of Allowability

Application No.

09/870,185

Examiner

Ronald D Hartman Jr.

Applicant(s)

CHEN ET AL.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 03 May 2004.
2. ☒ The allowed claim(s) is/are 1-8 and 10.
3. ☒ The drawings filed on 30 May 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Art Unit: 2121

DETAILED ACTION

1. This action is in response to the Amendment filed on 12/8/2003.
2. Claims 1-8 and 10 are presented for further examination.

INFORMAL EXAMINER'S AMENDMENT

3. Please amend the application as follows:

In the claims:

Claim 7, insert a period at the end of the claim.

Response to Arguments

4. The applicant's arguments have been found to be persuasive and therefore any and all rejections with respect to the applied art are withdrawn.

Allowable Subject Matter

5. Claims 1-8 and 10 are allowed.

As per claims 1-6, specifically claim 1, the prior art of record fails to teach a scroll wheel that extends through a top and bottom side of a system housing, the housing having a display, wherein the wheel is used to scroll the display, in combination with the other claimed features and or limitations as claimed by the claimed invention.

The closest available art was issued to Voigt, IV et al., U.S. Patent No. 6,431,548 in which a game playing apparatus is taught. The apparatus uses a wheel that extends through the top and bottom sides of a housing for scrolling a game display vertically. However, the disclosed system of Voigt is not a portable processor-based system but rather utilizes preprinted graphics on the scrollable material. Furthermore, Voigt does not teach the claimed extending through the top and bottom sides, but rather teach the wheel extending through the sides of the top and bottom, clearly different from the claimed invention. Furthermore, the

Art Unit: 2121

examiner has interpreted the "extending through the top and bottom housing" to mean a wheel that extends beyond the top and bottom parts of the housing and at the same time, also extends through the housing from each side. This system is not taught by and is not an obvious variation of Voigt, and since Voigt represents the closest available prior art, claims 1-6, more specifically claim 1 is believed to be allowable over the prior art of record. Since claims 2-6 depend from an allowed claim, these claims are allowable as well.

6. As per claims 7-8 and 10, specifically claim 7, the prior art fails to teach a scroll wheel extending completely through the top and bottom sides of a housing, wherein the wheel is manipulated between the users thumb and forefinger at the same time the housing is being held in the users hand, in combination with the other claimed features and or limitations as claimed by the claimed invention. It is noted that the examiner has interpreted the "extending completely through the top and bottom housing" to mean a wheel that extends beyond the top and bottom parts of the housing and at the same time, also extends through the housing from each side. This system, in combination with other claims features, is not taught by the prior art of record. Therefore, claim 7 is believed to be allowable and as such, claims 8 and 10 are also allowable as they depend from allowed claim 7.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D Hartman Jr. whose telephone number is 703-308-7001. The examiner can normally be reached on Mon. - Fri., 11:30 am - 8:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Art Unit: 2121

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald D Hartman Jr.

Examiner

Art Unit 2121



Anthony Knight
Supervisory Patent Examiner
Group 3600